

THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:12-cv-00125-MR  
(CRIMINAL CASE NO. 1:09-cr-00013-MR-9)

**YVONNE MARIE FOUNTAIN,** )

**Petitioner,** )

**VS.**

UNITED STATES OF AMERICA, )

Respondent. )

## ORDER

**THIS MATTER** is before the Court on the Order of the Court of Appeals for the Fourth Circuit remanding this matter [Doc. 34] and the Government's Motion for an Evidentiary Hearing [Doc. 35].

In light of the Fourth Circuit's remand order, and for the reasons stated in the Government's motion, the Court will vacate its earlier judgment dismissing the Petitioner's motion to vacate and will schedule an evidentiary hearing to resolve the Petitioner's ineffective of assistance claims related to her trial counsel's pre-plea advice, as well as his alleged conflict of interest.

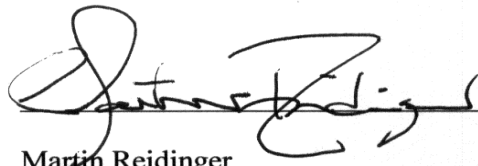
**IT IS, THEREFORE, ORDERED** as follows:

- (1) The Court's Judgment dismissing Petitioner's motion to vacate filed pursuant to 28 U.S.C. § 2255 is hereby **VACATED**;
- (2) The Government's Motion for an Evidentiary Hearing [Doc. 35] is **GRANTED**;
- (3) This matter is hereby scheduled for an evidentiary hearing on **December 21, 2015, at 9:00 a.m.** at the United States Courthouse in Asheville, North Carolina;
- (4) The Federal Defenders of Western North Carolina, Inc. shall provide counsel to the Petitioner for the evidentiary hearing; and
- (5) The United States Marshal shall make arrangements to have the Petitioner transported from her place of incarceration to this District. The United States Marshal shall ensure that the Petitioner arrives in this District sufficiently in advance of the hearing date so that she may be afforded adequate opportunity to confer with counsel in preparation for the hearing.

The Clerk of Court is directed to provide a copy of this Order to the Petitioner, the Federal Defenders of Western North Carolina, Inc., counsel for the Government, the United States Marshals Service, and the Bureau of Prisons.

**IT IS SO ORDERED.**

Signed: October 22, 2015

  
Martin Reidinger  
United States District Judge

